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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,733	08/04/2005	Yoshiaki Inoue	004708.113068	5132
29540	7590	01/21/2009		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER SMITHERS, MATTHEW	
			ART UNIT 2437	PAPER NUMBER
			MAIL DATE 01/21/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,733	Applicant(s) INOUE ET AL.	
	Examiner Matthew B. Smithers	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent application 20020012445 granted to Perry.

Regarding claim 1, Perry meets the claimed limitations as follows:

“A system for authenticating a product via the Internet comprising:
a non-contact tag embedded as an authentication device in a product to be authenticated, said non-contact tag having a specific ID known only to an administrator of said product authentication system, and said ID being stored in a body of said non-contact tag as electronic data; a reader for reading ID data of said non-contact tag, said reader having a specific ID known only to said administrator of said product authentication system, said ID being stored in a body of said reader as electronic data, and said reader having means for connecting to the Internet for communication; a database for storing said ID data and attributes data of said non-contact tag, product information data of said product having said non-contact tag embedded therein, and said ID data and attribute information data of said reader, said database having means for connecting to the Internet for communication; a data server for reading data stored in

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said database and for writing data into said database, said data server having means for connecting to the Internet for communication; an authentication server for checking said ID data of said reader and said ID data of said non-contact tag sent from said reader connected to the Internet against data stored in said database to authenticate said reader and said non-contact tag, said authentication server having means for connecting to the Internet for communication, said product authentication system further comprising: means for, prior to distribution of said non-contact tag and said reader to a user of said product authentication system, making said data server read said ID data of said non-contact tag and said ID data of said reader, create data files thereof, and store said data files in said database; means for, subsequent to the distribution of said non-contact tag and said reader to said user of said product authentication system, making said reader connected to the Internet send its own ID data to said authentication server, and making said authentication server check said received ID data of said reader against said data file of said reader stored in said database; means for making said authentication server notify said reader checked against said identical ID data that said reader is authenticated, and urge said reader to send said ID data of said non-contact tag embedded in said product; means for making said authenticated reader read said ID data of said non-contact tag embedded in said product and send said ID data to said authentication server, and making said authentication server check said received ID data of said non-contact tag against said data file of said non-contact tag stored in said database; and means for making said authentication server notify said reader which sent said ID data of said non-contact tag that said non-contact tag checked against said

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identical ID data is authenticated.” see paragraphs [0014]-[0019]; [0031]-[0034]; [0067]-[0074]; [0082]-[0087] and Figures 1-3.

Regarding claim 2, Perry meets the claimed limitations as follows:

“The product authentication system as defined in claim 1, wherein said product authentication system is administered and operated by an application service provider (ASP) to provide product authentication service via the Internet in an ASP system.” see paragraphs [0014]-[0019]; [0031]-[0034]; [0067]-[0074]; [0082]-[0087] and Figures 1-3.

Regarding claim 3, Perry meets the claimed limitations as follows:

“A product authentication system as defined in claim 1, wherein said product authentication system is a product authentication system where the side of said user is made to have a double ID by assigning to said user of said reader a specific password known only to said administrator and said user of said reader, said product authentication system comprising: means for making said data server read data of said assigned password, create a data file thereof as attribute information related to said ID data of said distributed reader, and store said data file in said database; means for, after said reader is notified of its authentication, making said authentication server request input of said password of said user, receive password data inputted and sent from a terminal of said user, and check said password data against said data file stored in said database; and means for making said authentication server notify said user terminal which sent said password data that said password checked against said identical password data is authenticated.” see paragraphs [0082]-[0087]; [0093]-[0094] and Figures 1-3.

Regarding claim 4, Perry meets the claimed limitations as follows:

“A product authentication system as claimed in claim 1, comprising: means for making said reader and said user terminal distributed to the manufacturer of the product who is said user of said product authentication system send to said data server product information data such as the name, the model, the date of manufacture, and the place of manufacture of said product, said product information data being related to said ID data of said non-contact tag; and means for making said data server receive said product information data and create a data file as attribute information related to said ID data of said embedded non-contact tag, and store said data file in said database.” see paragraphs [0082]-[0087]; [0093]-[0094] and Figures 1-3.

Regarding claim 5, Perry meets the claimed limitations as follows:

“A product authentication system as claimed in claim 1, further comprising: means for making a manufacturer of said non-contact tag create a data file where said ID of said non-contact tag is related to said manufacturer of said product who is a supplier of said non-contact tag, and send said data file to said data server; means for making said data server receive said data file and store said data file in said database; and means for making said authentication server receive said ID data of said non-contact tag sent from said reader, and check whether said ID is related to said supplier in said data file of said non-contact tag stored in said database.” see paragraphs [0014]-[0019]; [0031]-[0034]; [0067]-[0074]; [0082]-[0087] and Figures 1-3.

Regarding claim 6, Perry meets the claimed limitations as follows:

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“A system for authenticating a product via the Internet comprising: a non-contact tag embedded as an authentication device in a product to be authenticated, said non-contact tag having a specific ID known only to an administrator of said product authentication system, and said ID being stored in a body of said non-contact tag as electronic data; a reader for reading ID data of said non-contact tag, said reader having a specific ID known only to said administrator of said product authentication system, said ID being stored in a body of said reader as electronic data, and said reader having means for connecting to the Internet for communication; a database for storing said ID data and attributes data of said non-contact tag, product information data of said product having said non-contact tag embedded therein, and said ID data and attribute information data of said reader, said database having means for connecting to the Internet for communication; a data server for reading data stored in said database and for writing data into said database, said data server having means for connecting to the Internet for communication; an authentication server for checking said ID data of said reader and said ID data of said non-contact tag sent from said reader connected to the Internet against data stored in said database to authenticate said reader and said non-contact tag, said authentication server having means for connecting to the Internet for communication, wherein said product authentication system is administered and operated by an application service provider (ASP) to provide product authentication service via the Internet in an ASP system.” see paragraphs [0014]-[0019]; [0031]-[0034]; [0067]-[0074]; [0082]-[0087] and Figures 1-3.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Doljack (US 7,283,630) discloses a method of verifying the authenticity of goods.

B. Silverbrook et al (US 7,263,225) discloses a system for checking the authenticity of a product.

C. Coppersmith et al (US 6,996,543) discloses a system for protecting goods against counterfeiting.

D. Halperin et al (US 6,226,619) discloses a system for preventing counterfeiting of retail items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew B Smithers/
Primary Examiner, Art Unit 2437